(1)

Supreme Court, U.S.
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NO. 01-1062

IN THE

Supreme Court of the United States

DENNIS EDDINS

Petitioner,

vs.

PAUL G. SUMMERS, STATE ATTORNEY GENERAL
THE STATE OF TENNESSEE, ET. AL.

Defendant.

On Petition For Writ of Certiorari
to the Sixth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

DENNIS EDDINS
617 WILLIAM D. JONES BLVD.
FAYETTEVILLE, TN 37334
(931) 438-2631

35pp

QUESTIONS PRESENTED

Does the Fourteenth Amendments' tenth clause prohibit the States from denying any person within their jurisdiction the equal protection of the laws?

Is due process a constitutionally protected right that enables the citizens of the States the right to be heard and to assert their rights?

Does U.S.C.A. TITLE § 1581, Federal Peonage Statute, prohibit imposing a penalty for an arrest with the intent to compel the performance of labor or service, irrespective of whether or not the person rendered labor or service following the arrest and is directed at individuals whether or not acting under color of law or ordinance, implementing the Thirteenth Amendment?

Does the Thirteenth Amendment prohibit slavery and involuntary servitude except as a punishment for a crime whereas the party has been duly convicted?

PARTIES TO THE PROCEEDING

The party to the proceeding in the Court whose judgement is the subject to this petition is:

Paul G. Summers, State Attorney General,
State of Tennessee, et.al.

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OPINIONS BELOW

The subject of this proceeding is the deprivation of petitioners Fourteenth Amendment right to equal protection of the laws. The Sixth Circuit Court of Appeals issued an order on August 9, 2001 affirming the opinion of U.S. District Court Judge James H. Jarvis of The United States District Court for the Eastern District of Tennessee at Winchester which appears in Appendix A of this petition.

BASIS FOR JURISDICTION

The Order of the U.S. Court of Appeals for the Sixth Circuit was filed on August 9, 2001 by Circuit Judges Boggs, Daughtrey, and Farris affirming the opinion of U.S. District Judge James H. Jarvis of the United States District Court of the Eastern District of Tennessee dismissing petitioners' complaints. Petitioner invokes the jurisdiction of this Court under 28 U.S.C. § 1254 and 28 U.S.C. § 1257.

CONSTITUTIONAL PROVISIONS INVOLVED

ELEVENTH AMENDMENT

In cases arising under U.S. Const. Amend. 14, this amendment is no bar to a congressionally authorized award of damages or attorney's fees against a state, since such an award is permissible under the enforcement authority given congress in Amend. 14 § 5. *White v. Crowell*, 434 F. Supp. 1119 (W.D. Tenn. 1977).

THIRTEENTH AMENDMENT

Imposing a penalty for an arrest with intent to compel the performance of labor or service, irrespective of whether or not the person rendered labor or service following the arrest implements this amendment and is directed at individuals whether or not acting under of law or ordinance. U.S.C.A. Title 18, § 1581, *United States v. Gaskin*, 320 U.S. 527, 64 S. Ct. 318, 88 1. Ed. 287 (1944).

This amendment is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States, *City of Memphis v. Greene*, 451 U.S. 100, 101 S. Ct. 1584, 67 L. Ed. 2d 769.

FOURTEENTH AMENDMENT

The fundamental requirements of due process as to an accused are notice and a fair hearing. *Rhea v. Edwards*, 136 F. Supp. 671 (M.D. Tenn. 1955), aff'd, 238 2d 850 (6th Cir. 1956).

FOURTEENTH AMENDMENT

If all persons are treated alike under the law and under the same circumstances, no person can be said to be deprived of equal protection of the laws, *In re Converse*, 137 U.S. 624,11 S.Ct. 191, 34 L. Ed.796 (1891); *Caldwell v. Texas*, 137 U.S. 692, 11 S. Ct. 224, 34 L. Ed.816 (1891).

One of the prerequisites to a cause of action under Section 1 of this Amendment is that any denial of due process or equal protection of the law must be the product or result of action by a state, *McNabb v. TVA*, 754 F Supp. 118 (E.D. Tenn. 1990).

The phrase "Equal Protection," as used in the Fourteenth Amendment to the Constitution of the United States, requires that all persons and entities shall be treated the same under like circumstances and conditions, both as to privileges conferred and liabilities incurred, *Genesco, Inc. v. Woods*, 578 S. W. 2d 639 (Tenn. 1979).

STATEMENT OF THE CASE

The Judicial system of the Seventeenth Judicial District of the State of Tennessee is a Racketeer Influenced Corrupt Organization comprised of individuals unlicensed to practice law that openly practice racism, oppression, and slavery. They have lost respect for the lives, safety, and liberty of the people that they have targeted, minorities. The lack of supervision of the Tennessee Judicial System and The Rules of the Supreme Court of the State of Tennessee has given them the freedom to completely disregard the rights guaranteed by the U.S. Constitution and the laws of the Supreme Court of the State of Tennessee, therefore, we have become targets of unrestrained power. The pursuit of happiness has turned into the pursuit of freedom.

Paul G. Summers, State Attorney General, whether involved, allows this organization to exist despite repeated efforts to involve him. W. Michael McCown, the unlicensed and self-proclaimed District Attorney General of Tennessees' Seventeenth Judicial District is the principal character of an organization comprised of his Assistant District Attorneys, the Judges of the Seventeenth Judicial District, the State Public Defenders and a group of private unlicensed Attorneys in Lincoln County and the Seventeenth Judicial District that operate on the theory of complete deprivation.

Having knowledge of their operation, I became the target of harassment, false arrest, humiliation, and slavery. The alliance between the District Attorney, his Assistants, Judges and the law enforcement agencies have and continue to subject me, the petitioner and every minority citizen of this District to the racist purpose of this Racketeer Influence Corrupt Organization of deprivation, oppression, and slavery, an organization comprised of a group of white collar criminal racist whose livelihoods comes from the State of Tennessee and the slaves of the Seventeenth Judicial District.

Petitioner has filed two complaints of civil rights

violations against Paul G. Summers, State Attorney General, the State of Tennessee Et. Al. pursuant to 42 U.S.C. Section 1983 alleging that the State of Tennessee violated his Fourteenth Amendment right to equal protection of the laws by violating the Rules of the Supreme Court of the State of Tennessee. Petitioner filed his first complaint, case number 4:00-CV-41, on May 23, 2000, he then filed a motion to amend his complaint on July 3, 2000. Defendant filed a motion to dismiss on July 31, 2000. On June 29, 2000 Petitioner filed his second complaint, case number 4:00-CV-49. Defendant then filed motions with supporting memorandums to consolidate and to dismiss Petitioners' two (2) complaints on August 25, 2000. U.S. District Court Judge James H. Jarvis of the United States District Court of the Eastern District of Tennessee at Winchester filed his order and memorandum opinion granting Defendants' motions on November 7, 2000. Petitioner filed his first Notice of Appeal on November 14, 2000. He states each case as follows:

On May 23, 2000, Petitioner filed case number 4:00-CV-41 in The United States District Court of the Eastern District of Tennessee at Winchester alleging that the State of Tennessee violated his Fourteenth Amendment right to equal protection of the laws by violating the Rules of the Supreme Court of the State of Tennessee stating that Rule 7, Section 1.01, Article I require that any person engaging in the practice of law or law business be admitted to the Bar of the State of Tennessee which is evidenced by a license issued in accordance to this rule. He also states that the State of Tennessee fails him by allowing W. Michael McCown, District Attorney General and other members of the Seventeenth Judicial District to practice, prosecute and to hold public title without meeting these requirements as well as the requirements set forth in Rule 8, Rules of the Supreme Court of the State of Tennessee. Petitioner alleges that the Tennessee Board of Professional Responsibility and the Tennessee Court of the Judiciary fails him by not processing his complaints of impropriety, unethical

behavior, and attorney misconduct. He prayed to the court for relief by entering judgement in favor of Petitioner awarding Ten Million Dollars in punitive damages, Two million Dollars in compensatory damages for loss wages, benefits, potential business earnings and the cost of this action. He also prayed for injunctive relief requiring the Court and/or the State of Tennessee to prosecute all wrong doing including but not limited to official oppression, official misconduct, fraud, embezzlement. racketeering, and each civil rights violation contain herein. Also, to require the Tennessee Board of Professional Responsibility and the Tennessee Court of the Judiciary to process all complaints contained herein as well as for the State of Tennessee to issue a formal and public apology plus any other punishment that the Court deem necessary.

On February 22, 2000 Petitioner was falsely accused of two counts of harassment. Appearing in the General Sessions Court of Lincoln County Tennessee on February 24, 2000, state prosecutor Brooke Grubb and presiding Judge H. Donald Holman heard and continued the case. Defendant violated Petitioners right to equal protection of the laws by allowing both Assistant District Brooke Grubb and General Sessions Judge H. Donald Holman to practice without meeting the requirements of Rule 7, Section 1.01, Article I, Rules of the Supreme Court of the State of Tennessee, "The phrase "Equal Protection" as used in the Fourteenth Amendment to the Constitution of the United States require that all persons and entities shall be treated the same under like circumstances and conditions, both as to privileges conferred and liabilities incurred", *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). On June 17, 1997, after being held for six months without bond in the Lincoln County Jail on multiple charges, Petitioner appeared in the Circuit Court of Lincoln County Tennessee where he was adjudicated on a sixteen count worthless check indictment, case number S9700042, a class A misdemeanor, T.C.A. 39-14-105 (1), that had been bound over from the General Sessions Court of Lincoln County Tennessee

where he was coercively prosecuted and sentence on this class A misdemeanor which carries a maximum sentence of eleven- months, twenty-nine days, T.C.A. 40-35-111 (5)(e)(1), to twenty-seven months. Violating state statute, the conspiracy of District Attorney General, W. Michael McCown, Assistant District Attorney, W. Edward Barnard, State Public Defender, John H. Dickey, and Circuit Court Judge, Charles Lee deprived him of his liberty. Moreover, this intentional violation of state statute violates Federal Peonage Statute U.S.C.A. Title 18 § 1581, "Imposing a penalty for an arrest with the intent to compel the performance of labor or service, irrespective of whether or not the person rendered labor or service following the arrest implements this amendment and is directed at individuals whether acting under color of law or ordinance", *United States v. Gaskin*, 320 U.S. 527, 67 S. Ct. 318, 88 L. Ed. 287 (1944), and the Thirteenth Amendment, " This Amendment is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States", *City of Memphis v. Greene*, 451 U.S. 100, 101 S. Ct. 1584, 64 L. Ed. 2d 769. Petitioner was not duly convicted. Their schematic unlawful racketeering activity violates T.C.A. 39-12-204 (a),(c), and (d), Rules of The Supreme Court of the State of Tennessee. This violates Petitioners' right to equal protection of the laws. " The phrase "Equal Protection" as used in the Fourteenth Amendment to the Constitution of the United States, requires that all persons and entities shall be treated the same under like circumstances and conditions, both as to privileges conferred and liabilities incurred", *Genesco, Inc. v. Woods*, 578 S. W. 2d 639 (Tenn. 1979). He also alleges that by changing the disposition on thirteen counts of this sixteen count indictment from dismissed to retired after Petitioner had already been sentenced, Defendant again intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581, *United States v. Gaskin* (citation omitted), and the Thirteenth Amendment, *City of Memphis v. Greene*,

(citation omitted), Petitioner was not duly convicted on count fourteen of this indictment. Their schematic unlawful racketeering activity violates T.C.A. 39-12-204 (a),(c), and (d), this violates Petitioners' right to equal protection of the laws. Further, this intentional violation of state statute, T.C.A. 39-14-105 (1) and 40-35-111 (5)(e)(1), Rules of the Supreme Court of the State of Tennessee violates Petitioners right to equal protection of the laws. "If all persons are treated alike under the law and under the same circumstances, no person can be said to be deprived of equal protection of the laws", *In Re Converse*, 137 U.S. 624, 11 S. Ct. 191, 34 L. Ed. 796 (1891); *Caldwell v. Texas*, 137 U.S. 692, 11 S. Ct. 224, 34 L. Ed. 816 (1891). *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). The Seventeenth Judicial District of the State of Tennessee is a Racketeer Influenced Corrupt Organization as defined by T.C.A. 39-12-203 (3)(6), Rules of the Supreme Court of the State of Tennessee as shown by their unlawful racketeering activity which violates T.C.A. 39-12-204 (a)(c) and (d). Defendant is in violation of the Rules of the Supreme Court of the State of Tennessee. This violates Petitioners right to equal protection of the laws. *Genesco, Inc. v. Woods*, 578 S.W. 2d. 639 (Tenn 1979). Rule Eight (8), Rules of the Supreme Court of the State of Tennessee sets forth the ethical standards relating to the practice of law in the State of Tennessee and of the people doing so. Tennessees' Board of Professional Responsibilitys' obvious lost of respect of the law has denied and failed Petitioner in every respect. Although Defendants' Board of Professional Responsibility does not have exclusive jurisdiction over questions of ethics, Chief Disciplinary Counsel, Lance B. Bracy has repeatedly denied Petitioner access to its' complaint process. In his complaint, Petitioner alleges that, W. Michael McCown, District Attorney General is in violation of Rule 7, Section 1.01, Article I, and Rule 8, Rules of the Supreme Court of the State of Tennessee, that W. Edward Barnard is in violation of Rule 7, Section 1.01, Article I, and Rule 8, Rules of the Supreme Court of the State of Tennessee,

that John H. Dickey, State Public Defender, is in violation of Rule 7, Section 1.01, Article I, and Rule 8, Rules of the Supreme Court of the State of Tennessee, that Donna Orr-Hargrove, State Public Defender, Michael D. Randalls, former State Public Defender, current Assistant District Attorney, and James Barnes Cox, Assistant District Attorney, are in violation of Rule 7, Section 1.01, Article I, and Rule 8, Rules of the Supreme Court of the State of Tennessee. Also, that state prosecutor James Barnes Cox intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581, *United States v. Gaskin*, 320 U.S. 527, 64 S. Ct.318, 88 L. Ed. 287 (1944), by withholding warrant 850-81-188 from the February 25, 1997 Court docket of the General Sessions Court of Marshall County Tennessee where Petitioner appeared while incarcerated at the Lincoln County Jail receiving a nine-month sentence on a thirteen count worthless check charge to be served concurrently with his sentenced in Lincoln County when received. This warrant was reissued on May 8, 1997, served on May 13, 1997, and was still pending as of June 9, 1997 as noted in a sworn affidavit issued by Mr. Cox to the Tennessee Court of the Judiciary in his response to the Complaint filed by Petitioner on Circuit Court Part II Judge, F. Lee Russell, and the Thirteenth Amendment, *City of Memphis v. Greene*, 451 U.S. 100, 101 S. Ct. 1584, 67 L. Ed. 2d 769. Petitioner was not duly convicted. His unlawful racketeering activity as shown violates T.C.A. 39-12-204 (a),(c), and (d), Rules of the Supreme Court of the State of Tennessee. The Seventeenth Judicial District is a Racketeer Influenced Corrupt Organization as defined by T.C.A. 39-12-203 (3),(6). Defendant is in violation of the Rules of the Supreme Court of the State of Tennessee, this violates Petitioners right to equal protection of the laws, *Genesco Inc, v. Woods*, 578 S.W. 2d 639 (Tenn. 1979), that Raymond W. Fraley, Jr., Attorney, is in violation of Rule 7, Section 1.01, Article I, and Rule 8, Rules of the Supreme Court of the State of Tennessee. Also, Petitioner contends that he, conspiring with W. Michael McCown, District Attorney General, used the

state judicial system for payment of a case styled The State of Tennessee v. Dennis Eddins, charge being Assault, case numbers S9501974 and S9501975 after he had already paid him for services rendered. Petitioner had never made application for the representation of a public defender or of an Attorney privileged to represent indigent defendants. His unlawful racketeering activity violates T.C.A. 39-12-204 (a)(c), and (d). The State of Tennessee allowing these attorneys, state prosecutors, and public defenders to practice violates the Rules of the Supreme Court of the State of Tennessee. Rule 7, Section 1.01, Article I require that any person engaging in the practice of law or law business be admitted to the Bar of the State of Tennessee, which is evidenced by a license issued in accordance to this rule. Rule 8, Canon 1, E.C. 1-2 states that the public should be protected from those who are not qualified to be lawyers by reason of a deficiency in education or moral standard or of any other revelant factors but who nevertheless seek to practice law. Defendant is in violation of the Rules of the Supreme Court of the State of Tennessee. This violates Petitioners right to equal protection of the laws, *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). The Tennessee Board of Professional Responsibilitys', Chief Disciplinary Counsel, Lance B. Bracy, denial of Petitioners' access to the complaint process, violates Petitioners right to equal protection of the laws, *In Re Converse,* 137 U.S. 624, 11 S. Ct. 191, 34 L. Ed. 796 (1891), "If all persons are treated alike under the law and under the same circumstances, no person can be said to be deprived equal protection of the laws", *Caldwell v. Texas*, 137 U.S. 692, 11 S. Ct. 224, 34 L. Ed. 816 (1891). *Genesco Inc, v. Woods*, 578 S.W. 2d 639 (Tenn. 1979. Defendants' Court of the Judiciary was created by the legislature to provide an orderly and efficient method for making inquiry, to provide a process by which appropriate sanctions may be imposed, and to implement constitutional provisions by providing a procedure for the removal of Judges. The Tennessee Court of the Judiciary and its' Disciplinary Counsel, Jerry Scott, has failed

Petitioner by denying him access to this process by not processing his complaints of impropriety, unethical behavior, and judicial misconduct. Having appeared before these Judges, Circuit Court Judge of the Seventeenth Judicial District, Charles Lee, General Sessions Judges of Lincoln County, H. Donald Holman and Charles F. Crawford, General Sessions Judge of Marshall County, Stephen Bowden, and Circuit Court Part II Judge, F. Lee Russell, Petitioner contends that none of them holds or held a license issued in accordance to Rule 7, Section 1.01, Article I of the Rules of the Supreme Court of the State of Tennessee, and that acting as licensed Judges violates Rule 8, Canon 1, E.C. 1-2, Rules of the Supreme Court of the State of Tennessee. Defendants', denial of Petitioners' access to the complaint process of the Tennessee Court of the Judiciary, Jerry Scott Disciplinary Counsel, and Defendants' violation of the Rules of the Supreme Court of the State of Tennessee, violates Petitioners right to equal protection of the laws. *In Re Converse*, 137 U.S. 624, 11 S. Ct. 191, 34 L. Ed. 796 (1891); *Caldwell v. Texas*, 137 S. 692, 11 S. Ct. 224, 34 L. Ed. 816 (1891). *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). Further, Petitioner alleges in his complaint that General Sessions Judge of Marshall County Tennessee, Stephen Bowden, conspired with state prosecutor James Barnes Cox of Marshall County Tennessee intentionally violating Federal Peonage Statute U.S.C.A Title 18 § 1581, *United States v. Gaskin*, 320 U.S. 527, 64 S. Ct. 318, 88 L. Ed. 287 (1944), and the Thirteenth Amendment, *City of Memphis v. Greene*, 451, U.S. 100, 101 S. Ct. 1584, 67 L. Ed. 2d 769, by withholding warrant number 850-81-188 from the February 25, 1997 Court Docket when Petitioner appeared in the General Sessions Court of Marshall County Tennessee while incarcerated at the Lincoln County Jail where he received a nine-month sentence on a thirteen count worthless check case to be served concurrently with his sentence in Lincoln County when received. This warrant was reissued on May 8, 1997, served on May 13, 1997, and was still pending as of June 9,

1997 as noted in a sworn affidavit issued to the Tennessee Court of the Judiciary by James Barnes Cox, Assistant District Attorney in his response to the Complaint filed by Petitioner against F. Lee Russell, Circuit Court Part II Judge. Petitioner was not duly convicted. His unlawful racketeering activity violates T.C.A. 39-12-204 (a),(c), and (d), Rules of the Supreme Court of the State of Tennessee. The Seventeenth Judicial District of the State of Tennessee ia a Racketeer Influenced Corrupt Organization as defined by T.C.A. 39-12-203 (3)(6) as shown by their schematic unlawful racketeering activity. Defendant is in violation of the Rules of the Supreme Court of the State of Tennessee, this violates Petitioners right to equal protection of the laws, *Genesco, Inc v. Woods*, 578 S.W. 2d 639 (Tenn. 1979).

On June 29, 2000, Petitioner filed complaint 4:00-CV-49 in the United States District Court of the Eastern District of Tennessee at Winchester alleging that the State of Tennessee violated his Fourteenth Amendment right to equal protection of the laws by violating the Rules of the Supreme Court of the State of Tennessee. He States that Rule 7, Section 1.01, Article I require that any person engaging in the practice of law or law business be admitted to the Bar of the State of Tennessee which is evidenced by a license issued in accordance to this rule, he also states that the State of Tennessee has failed him by allowing W. Michael McCown, District Attorney General and other members of the Seventeenth Judicial District to practice, prosecute, and to hold public title without meeting these requirements as well as the requirements of Rule 8, Rules of the Supreme Court of the State of Tennessee. Petitioner alleges that the Tennessee Board of Professional Responsibility and the Tennessee Court of the Judiciary failed him by not processing his complaints of impropriety, unethical behavior and attorney misconduct. He prayed to the Court for relief by entering judgement in favor of Petitioner awarding Ten Million Dollars in punitive damages, Two Million dollars in compensatory damages for loss wages, benefits, and potential business

earnings plus the cost of this action. He also prayed for injunctive relief requiring the Court and/or the State of Tennessee to prosecute all wrong doing including but not limited to official oppression, official misconduct, fraud, embezzlement, racketeering and each civil rights violation contained herein. Also, to require the Tennessee Board of Professional Responsibility and the Tennessee Court of the Judiciary to process all complaints contained herein as well as for the State of Tennessee to issue a formal and public apology plus any other punishment that the Court deem necessary.

On October 25, 1999 Petitioner was prosecuted on a disorderly conduct charge in the General Sessions Court of Lincoln County Tennessee without the affiant or his supoened witnesses being present or without a formal hearing. State prosecuting attorney, Brooke Grubb and General Sessions Judge Charles F. Crawford heard the case. It is Petitioners' contention that either Assistant District Attorney, Brooke Grubb or General Sessions Judge, Charles F. Crawford holds or held a license issued in accordance to Rule 7, Section 1.01, Article I and Rule 8, Rules of the Supreme Court of the State of Tennessee. Rule 7, Section 1.01, Article I of the Rules of the Supreme Court of the State of Tennessee require that any person engaging in the practice of law or law business be admitted to the Bar of the State of Tennessee which is evidenced by a license issued in accordance to this rule. Rule 8, Canon E.C. 1-2, Rules of the Supreme Court of the State of Tennessee states that the public should be protected from those who are not qualified to be lawyers by reason of a deficiency in education or moral standard or of any other revelant factors but who nevertheless seek to practice law. Defendant is in violation of the Rules of the Supreme Court of the State of Tennessee. This violates Petitioners right to equal protection of the laws, *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). Defendants' action also violates Petitioners' due process rights, " The fundamental requirements of Due Process as to an

accused are notice and a fair hearing", *Rhea v. Edwards*, 136 F. Supp. 671 (M.D. Tenn. 1955), aff'd 238 F. 2d 850 (6th. Cir. 1956), " One of the prerequisites to a cause of action under Section 1 of the Fourteenth Amendment is that any denial of due process or equal protection of the law must be the product or result of action by a state", *McNabb v. TVA*, 754 F. Supp. 118 (E.D. Tenn. 1990). Rule 8, Rules of the Supreme Court of the State of Tennessee sets forth the ethical standards relating to the practice of law in the State of Tennessee and of the people doing so. Defendants' Board of Professional Responsibilitys' obvious lost of respect of the law has denied and failed Petitioner in every respect. Although Defendants' Board of Professional Responsibility does not have exclusive jurisdiction over questions of ethics, Chief Disciplinary Counsel, Lance B. Bracy has repeatedly denied Petitioner access to its' complaint process. In his complaint, Petitioner alleges that W. Michael McCown, District Attorney General, is in violation of Rule 7, Section 1.01, Article I and Rule 8, Rules of the Supreme Court of the State of Tennessee. Further, the Constitution of the State of Tennessee creates the office of District Attorney General, it specifies that it is an elective position with a term of office and lists its' criteria for eligibility. W. Michael McCown, the self-proclaimed District Attorney General of the Seventeenth Judicial District is in violation of Tenn. Const. Article VI, § 5. There has been no election. Defendant is in violation of Tenn. Const. Article VI § 5, and the Rules of the Supreme Court of the State of Tennessee, this violates Petitioners right to equal protection of the laws, *Genesco, Inc v. Woods*, 578 S.W. 2d 639 (Tenn 1979), that Charles F. Crawford, Assistant District Attorney, Bedford County Tennessee, is in violation of Rule 7, Section 1.01, Article I and Rule 8, Rules of the Supreme Court of the State of Tennessee. Moreover, Petitioner alleges that state prosecutor, Charles F. Crawford intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581 " Imposing a penalty for an arrest with the intent to compel the performance

of labor or service, irrespective of whether or not the person rendered labor or service following the arrest implements this amendment and is directed at individuals whether or not acting under color of law or ordinance" *United States v. Gaskin*, 320 U.S. 527, 64 S. Ct. 318, 88 L. Ed. 287 (1944), by issuing a failure to appear warrant on March 27, 1997 in regards to a worthless check case heard on February 12, 1997 while Petitioner was incarcerated at the Lincoln County Jail in the General Sessions Court of Bedford County Tennessee where he received six-months probation to commence upon his release. Conspiring with Assistant District Attorney, Charles F. Crawford, General Sessions Judge, Nylan Taylor, who is also in violation of Rule 7, Section 1.01, Article I, Rules of the Supreme Court of the State of Tennessee, affixed his signature to a probation revocation warrant on May 13, 1997. On July 12, 1997, State prosecutor Charles F. Crawford issued probation warrant number 3165-114-138, together they intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581, *United States v. Gaskin*, (citation omitted), and the Thirteenth Amendment, *City of Memphis v. Greene* (citation omitted). On April 17, 1997 state prosecutor Charles Crawford placed a hold on Petitioner and on September 19, 1998 served the failure to appear along with probation revocation warrant 3165-114-138 as he was being released. The probation had never commenced. The case was heard on September 22, 1998 in the General Sessions Court of Bedford County Tennessee, the probation was reinstated and Petitioner was released. This violates the Thirteenth amendment, " This Amendment is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States", *City of Memphis v. Greene*, 451 U.S. 100, 101 S. Ct. 1584, 67 L. Ed. 2d 769. Petitioner was not duly convicted. Their schematic unlawful racketeering activity violates T.C.A. 39-12-204 (a),(c), and (d), that Curtis Howard Gann, State Public Defender, is in violation of Rule 7, Section 1.01, Article I, and Rule 8, Rules of

the Supreme Court of the State of Tennessee. Petitioner also alleges that he conspired with Assistant District Attorney Charles F. Crawford and General Sessions Judge, Nylan Taylor, twice intentionally violating Federal Peonage Statute U.S.C.A. Title 18 1581, *United States v. Gaskin* (citation omitted), and the Thirteenth Amendment, *City of Memphis v. Greene* (citation omitted) as he issued a failure to appear warrant on March 27, 1997 in regards to a worthless check case heard on February 12, 1997 while Petitioner was incarcerated at the Lincoln County Jail in the General Sessions Court of Bedford County Tennessee where he received six-months probation to commence upon his release and as they later issued probation revocation warrant 3165-114-138. On April 17, 1997 state prosecutor Charles Crawford placed a hold on Petitioner and on September 19, 1998 served the failure to appear along with probation revocation warrant 3165-114-138 as he was being released. The probation had never commenced. The case was heard September 22, 1998 in the General Sessions Court of Bedford County Tennessee, Petitioners' probation was reinstated, he was not duly convicted. His unlawful racketeering activity violates T.C.A. 39-12-204 (a),(c), and (d). Defendant is in violation of Rule 7, Section 1.01, Article I and Rule 8, Canon 1, E.C. 1-2, Rules of the Supreme Court of the State of Tennessee, this violates Petitioners right to equal protection of the laws, *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). The Seventeenth Judicial District of the State of Tennessee is a Racketeer Influenced Corrupt Organization as defined by T.C.A. 39-12-203 (3),(6), Rules of the Supreme Court of the State of Tennessee and as shown by their schematic unlawful racketeering activity. Defendant is in violation of the Rules of the Supreme Court of the State of Tennessee, this violates Petitioners right to equal protection of the laws, *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn.1979), that Raymond W. Fraley, Attorney, is in violation of Rule 7, Section 1.01, Article I and Rule 8, Rules of the Supreme Court of the State of Tennessee, that Robert J. Parkes, Attorney, is in violation of

Rule 7, Section 1.01, Article I and Rule 8, Rules of the Supreme Court of the State of Tennessee. His last known Court appearance known by Petitioner was July 28, 1997 when he appeared in the General Sessions Court of Lincoln County Tennessee on a worthless check charge. Mr. Parkes was the court appointed Attorney representing inmate Ricky Taylor who was on the July 28, 1997 court docket. Conspiring with District Attorney General, W. Michael McCown of the Seventeenth Judicial District, a Racketeer Influenced Corrupt Organization, his unlawful racketeering activity in representing inmate Taylor violates T.C.A. 39-12-204 (a),(c), and (d), Rules of the Supreme Court of the State of Tennessee. Mr. Parkes is now the current business partner of Attorney Glenn R. Moore who is also in violation of Rule 7, Section 1.01, Article I and Rule 8 , Rules of the Supreme Court of the State of Tennessee. and uses the state judicial system for payment in the representation of clients while his clients unknowingly pay him directly as in the case of inmate Joe Kenneth March who was on the April 24, 1998 and August 28, 1998 court dockets. His unlawful racketeering activity violates T.C.A. 39-12-204 (a)(c), and (d). Defendant allowing these Attorneys and prosecutors to practice violates the Rules of the Supreme Court of the State of Tennessee. Rule 7, Section 1.01, Article I require that any person engaging in the practice of law or law business be admitted to the Bar of the State of Tennessee which is evidenced by a license issued in accordance to this rule. Rule 8, Canon 1, E.C. 1-2 states that the public should be protected from those who are not qualified to be lawyers by reason of a deficiency in education or moral standard or of any other revelant factors but who nevertheless seek to practice law, this violates Petitioners right to equal protection of the laws, " the phrase "Equal Protection" as used in the Fourteenth Amendment to the Constitution of the United States, requires that all persons and entities shall be treated the same under like circumstances and conditions, both as to privileges conferred and to liabilities incurred", *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979). Defendants' Court of

the Judiciary was created by the legislature to provide an orderly and efficient method for making inquiry, to provide a process by which appropriate sanctions may be imposed, ant to implement constitutional provisions by providing a procedure for the removal of Judges. The Tennessee Court of the Judiciary and its' Disciplinary Counsel, Jerry Scott, has failed Petitioner by denying him access to this process by not processing his complaints of impropriety, unethical behavior, and judicial misconduct. Having appeared before General Sessions Judge H. Donald Holman, and General Sessions Judge Charles F. Crawford of Lincoln County Tennessee, Petitioner contends that either holds or held a license issued in accordance to Rule 7, Section 1.01, Article I, or meets the requirements of Rule 8, Canon 1, E.C. 1-2 Rules of the Supreme Court of the State of Tennessee. Defendants' denial of Petitioners' access to the complaint process of the Court of the Judiciary and Board of Professional Responsibility and their violation of the Rules of the Supreme Court of the State of Tennessee violates Petitioners' right to equal protection of the laws, *In Re Converse*, 137 U.S. 624, 11 S. Ct. 191, 34 L. Ed. 796 (1891); *Caldwell v. Texas*, 137 U.S. 692, S. Ct. 224, 34 L. Ed. 816 (1891), *Genesco, Inc. v. Woods*, 578 S.W. 2d 639 (Tenn. 1979).

Petitioner has suffered and continues to suffer due to the deprivation of his Fourteenth Amendment right to equal protection of the laws.

REASONS FOR GRANTING THE WRIT

Petitioner prays to the Court for the granting of his petition for writ of certiorari for the following reasons.

The Seventeenth Judicial District of the State of Tennessee is a Racketeer Influenced Corrupt Organization as defined by the Rules of the State of Tennessee, T.C.A. 39-12-203 (3)(6) as shown by their schematic unlawful racketeering activity. State prosecutors, W. Michael McCown, District Attorney General of the Seventeenth Judicial District, and W. Edward Barnard, Assistant District Attorney of Lincoln County Tennessee intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581 and the Thirteenth Amendment by violating state statute and by not duly convicting Petitioner. Their schematic unlawful racketeering activity violates T.C.A. 39-12-204 (a)(c), and (d), Rules of the Supreme Court of the State of Tennessee. This violates Petitioners' right to equal protection of the laws and takes their actions outside the ambit of their official capacities. State Prosecutors, James Barnes Cox, Assistant District Attorney of Lincoln and Marshall County Tennessee, Charles F. Crawford, Assistant District Attorney and General Sessions Judge, Nylan Taylor of Bedford County Tennessee, intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581 and the Thirteenth Amendment by not duly convicting Petitioner. Their unlawful racketeering activity violates T.C.A. 39-12-204 (a)(c), and (d), Rules of the Supreme Court of the State of Tennessee. This violates Petitioners' right to equal protection of the laws and takes their actions outside the ambit of their official capacities. State public defenders, John H. Dickey of Lincoln County Tennessee, and Curtis Howard Gann of Bedford County Tennessee intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581 and the Thirteenth Amendment by conspiring with state prosecutors in not duly convicting

Petitioner. Their unlawful racketeering activity violates T.C.A. 39-12-204 (a)(c), and (d), Rules of the Supreme Court of the State of Tennessee. This violates Petitioners' right to equal protection of the laws and takes their actions outside the ambit of their official capacities. Circuit Court Judge, Charles Lee of the Seventeenth Judicial District, and General Sessions Judge, Stephen Bowden of Bedford County Tennessee intentionally violated Federal Peonage Statute U.S.C.A. Title 18 § 1581 and the Thirteenth Amendment by conspiring with state prosecutors in violating state statute and by not duly convicting Petitioner. Their unlawful racketeering activity violates T.C.A. 39-12-204 (a)(c), and (d), Rules of the Supreme Court of the State of Tennessee. This violates Petitioners right to equal protection of the laws and takes their actions outside the ambit of their official capacities. The Seventeenth Judicial District of the State of Tennessee is a Racketeer Influenced Corrupt Organization as defined by T.C.A. 39-12-203 (3)(6), Rules of the Supreme Court of the State of Tennessee. This violates Petitioners right to equal protection of the laws. The State of Tennessee violates Petitioners' Fourteenth Amendment right to equal protection of the laws on multiple occasions by allowing state prosecutors, public defenders, judges, and private attorneys to practice without meeting the requirements of Rule 7, Section 1.01, Article I, Rules of the Supreme Court of the State of Tennessee. The State of Tennessee violates Petitioners' Fourteenth Amendment right to equal protection of the laws on multiple occasions by violating Rule 8, Canon 1, E.C. 1-2, Rules of the Supreme Court of the State of Tennessee. Defendant violates Petitioners right to equal protection of the laws by allowing W. Michael McCown to hold the position and title, District Attorney General, without being duly elected which violates Tenn. Const., Article VI, § 5. Jerry Scott, Disciplinary Counsel of the Tennessee Court of the Judiciary violated Petitioners' right to equal protection of the laws by not processing his complaints of impropriety, unethical behavior, and judicial misconduct. Lance B. Bracy, Chief Disciplinary

Counsel of the Tennessee Board of Professional Responsibility violated Petitioners' right to equal protection of the laws by not processing his complaints of impropriety, unethical behavior, and attorney misconduct. The State of Tennessee violated Petitioners' Fourteenth Amendment due process rights and has undeniably violated Petitioners Fourteenth Amendment right to equal protection of the laws by violating the Rules of the Supreme Court of the State of Tennessee," One of the prerequisites to a cause of action under Section 1 of this Amendment is that any denial of due process or equal protection of the law must be the product or result of action by a state, *McNabb v. TVA*, 754 F. Supp. 118 (E.D. Tenn. 1990).

State Attorney General Paul G. Summers is being sued in his official capacity, a judgement against him would be a judgement against the State of Tennessee, *Will v. Michigan Department of State Police*, 491 U.S. 58, 66, 109 S. Ct. 2304, 2309-10, L. Ed. 2d 45, 58 (1989); *Wells v. Brown*, 891 F. 2d 591, 594 (6th Cir. 1989). "In cases arising under U. S. Constitution Amendment Fourteen, The Eleventh Amendment is no bar to a congressionally authorized award of damages or attorney fees against a state, since an award is permissible under the enforcement authority given congress in Amendment Fourteen, Section 5", *White V, Crowell*, 434 F. Supp. 1119 (W.D. Tenn. 1977).

28 U.S.C. Section 1257, the Rooker Feldman Doctrine, states that only the United States Supreme Court would have subject matter jurisdiction over claims for money damages and injunctive relief based on allegations in a complaint that are inextricably intertwined with the criminal case in state court, *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-416, 44 S. Ct. 149, 150, 68 L. Ed. 362 (1923).

CONCLUSION

For the foregoing reasons this petition for a writ of certiorari should be granted.

Respectfully submitted,

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